

## UNITED STATES DISTRICT COURT

for the  
District of Nebraska

United States of America

v.

Denis Perez Koh

Case No. 8:22MJ108

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Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 3/9/22 in the county of Dodge in the  
       District of Nebraska, the defendant(s) violated:

## Code Section

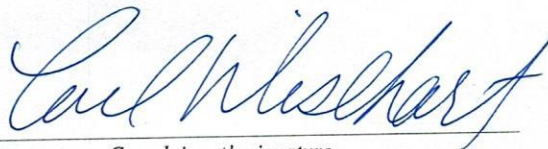
8:1326(a)

## Offense Description

an alien, who previously had been excluded, deported, and removed from the United States to Mexico was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3), (4) and 557), having expressly consented to defendant's reapplication for admission into the United States

This criminal complaint is based on these facts:

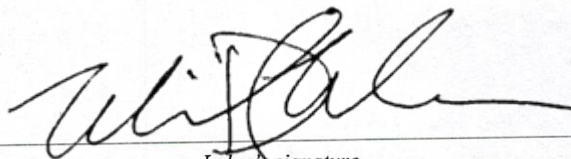
see attached affidavit

☒ Continued on the attached sheet.☐ Sworn to before me and signed in my presence.☒ Sworn to before me by telephone or other reliable electronic means.Date: 3/9/2022City and state: Omaha, Nebraska

Complainant's signature

Carl Wisehart, ICE ERO

Printed name and title



Judge's signature

Michael D. Nelson, U.S. Magistrate

Printed name and title

STATE OF NEBRASKA  
COUNTY OF DOUGLAS

)  
) AFFIDAVIT OF Carl L Wischart  
)

Carl L Wischart, being first duly sworn, hereby states that:

1. Your affiant is a Deportation Officer for the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), with over (14) years of federal law enforcement experience, duly appointed according to law and at the time of the events herein was acting in his official capacity.
2. Your affiant was previously an Immigration Enforcement Agent within ICE that was promoted to a Deportation Officer in 2011. In that capacity your affiant has had occasion to conduct numerous investigations relating to administrative and criminal violations of the Immigration and Nationality Act (INA).
3. Deportation Officers are empowered to interrogate and arrest with or without warrant, any person believed to be an alien in the United States in violation of law, pursuant to Section 287 of the Immigration and Nationality Act (INA) (8 U.S.C. 1357). This Affidavit is based upon your affiant's personal knowledge and information provided to him by other law enforcement officers involved in this investigation.
4. In his official capacity, your affiant had the opportunity to make inquiries related to Perez Koh, Denis 200 726 336 (hereinafter "defendant"). Defendant came to the attention of the Omaha ERO office due to his arrest and convictions for domestic assault and child abuse in Fremont, NE. Deportation Officers arrested defendant during a vehicle stop on 03/09/2022 as defendant was departing his home in Fremont, NE. Defendant was transported to the immigration office in Omaha, NE for processing. Fingerprint results confirmed defendant's identity. It was confirmed defendant had previously been ordered removed on 09/15/2010 via Immigration Judge Removal Order and was physically removed from the U.S. on 2 prior occasions.
5. Your affiant conducted inquiries including a thorough search of DHS and Federal Bureau of Investigation (FBI) records. The results of the inquiries allowed your affiant to locate and review the official alien registration file (A 200 726 336), criminal history records (FBI # 744237JD0), and court reports documenting defendant's state conviction and a removal from the United States.
6. Defendant's fingerprints were scanned and submitted into the FBI's Integrated Automated Fingerprint Identification System (IAFIS). The IAFIS system compared defendant's current fingerprint impressions to fingerprint impressions maintained in the data base relating to persons who previously had been arrested by DHS or other law enforcement agencies. This comparison revealed defendant had been arrested by DHS previously.



7. As a result of the positive match of fingerprints as described in paragraph 6, your affiant was able to locate a unique alien registration file (A 200 726 336) relating to this defendant. Records in that alien registration file, as well as information in various databases maintained by DHS revealed that defendant had been ordered removed and removed from the United States to Mexico prior to being found in the District of Nebraska in 2021.
8. Based on IAFIS identification of defendant's prior history, your affiant reviewed defendant's alien registration file. The alien registration file and corresponding searches of DHS indices confirmed that the defendant is an alien who has been removed from the United States on 2 prior occasions.
9. The defendant's alien registration file contains photographs, fingerprints and immigration documents identifying defendant as a citizen and national of Mexico, removed from the United States to Mexico on 09/22/2010 and on 01/25/2012 pursuant to a Final Immigration Judge/Removal Order issued on 09/15/2010 in Omaha, Nebraska.
10. A search of DHS indices failed to produce any current record of an application for lawful entry or lawful admission into the United States.
11. Affiant believes there is probable cause that defendant is in violation of 8 United States Code, Section 1326(a), an alien who is found in the United States after having been removed and who had departed while an order of removal was outstanding and unlawfully re-entered without having obtained the consent of the Secretary of Homeland Security to reapply for admission to the United States.

Affiant states that all statements contained in this affidavit are true and correct to the best of his knowledge.



Carl L. Wischart, Deportation Officer  
Immigration and Customs Enforcement

Sworn to before me by reliable electronic means:

Date: 03/09/2022

City and State: Omaha, Nebraska



Michael D. Nelson, U.S. Magistrate Judge